

MASSACHUSETTS
40 main st, suite 301
florence, ma 01062
tel 413.585.1533
fax 413.585.8904

WASHINGTON
1025 connecticut ave. nw, suite 1110
washington, dc 20036
tel 202.265.1490
fax 202.265.1489



November 14, 2016

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street SW
Washington, DC 20554

**RE: *Expanding Consumers' Video Navigation Choices, MB Docket No. 16-42*
*Commercial Availability of Navigation Devices, CS Docket No. 97-80***

Dear Ms. Dortch:

On Wednesday, November 9th,¹ I called Marc Paul, Legal Advisor to Commissioner Rosenworcel, to discuss matters in the above-captioned dockets.

I explained that Free Press continues to support the adoption of strong rules promoting competition and choice among video navigation devices and apps. This is eminently sensible policy. It would lead to savings on the high prices that people pay to rent cable boxes, and it would open up new outlets for diverse content creators and viewpoints. It also would implement the law that a bipartisan act of Congress commanded the agency to implement more than two decades ago. Failing to act would preserve the monopoly rents that cable operators collect on leased devices, along with these gatekeepers' control over what people can say and see both on TV and online.

Free Press remains disappointed that good rules did not come up for a vote when the item was last on an open meeting agenda.² Our unchanged views notwithstanding, I explained during the call our position on Commissioner Rosenworcel's longstanding effort to ascertain the parameters of Commission authority. Based on what we know of the negotiations that appear to have occurred during and after the last sunshine period for this item, we too are interested in learning details about the Commission's present proposals for (1) guarding against anti-competitive terms in any manner of licensing agreements; (2) protecting the privacy of multichannel video subscribers; and (3) addressing legitimate copyright questions (if any) unanswered by the initial NPRM.

Respectfully submitted,

Matthew F. Wood
Policy Director

¹ This *ex parte* notification is timely filed pursuant to the rules for due dates following holidays such as Veterans Day. See 47 C.F.R. §§ 1.4(e)(1), 1.4(g), 1.1206(b)(2)(iii).

² See Free Press, "Delay in Set-Top Box Vote Keeps Americans Waiting for Relief from Pay-TV Price-Gouging" (Sept. 29, 2016), *available at* goo.gl/QsNx7Q.